

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EUGENIO VARGAS	§	
	§	
VS.	§	CIVIL ACTION NO. 4:22-CV-430-Y
	§	
ASSOCIATION OF PROFESSIONAL	§	
FLIGHT ATTENDANTS, ET AL.	§	

ORDER REGARDING MOTION TO QUASH AND FOR
PROTECTIVE ORDER AND REFERRING MOTION TO MAGISTRATE JUDGE

Before the Court is Plaintiff's Motion to Quash Defendants' Notice to Take Deposition and Motion for Temporary Protective Order (doc. 118). Having reviewed the motion, the Court concludes that the parties should be given a final opportunity to resolve this discovery dispute without Court intervention.

In this regard, the parties are again directed to the per-curiam opinion in *Dondi Properties Corp. v. Commerce Savings & Loan Assoc.*, 121 F.R.D. 284 (N.D. Tex. 1988). That opinion sets forth standards of conduct for counsel (and *pro se* parties) to follow throughout litigation. Particularly relevant here are the standards for conduct during discovery. "[Parties] should make reasonable efforts to conduct all discovery by agreement." *Id.* at 293. The Court cautions the parties that it does not take discovery disputes lightly, and, if a final resolution by the Court is necessary, sanctions will be imposed upon any party conducting or opposing discovery unreasonably, in bad faith, or otherwise not in compliance with the rules or *Dondi*.

Therefore, the parties shall confer and make a good-faith effort to resolve this discovery dispute between themselves. If the parties are able to completely resolve this discovery dispute, Plaintiff shall

notify the Court in writing as soon as possible, but not later than **November 3, 2023**, that the motion should be rendered moot.

If the parties are able to resolve part, but not all of their discovery dispute, Plaintiff must file an amended motion as to the remaining disputed matters only no later than **November 3**.

Should the parties be able to resolve none or only a part of their discovery dispute, Defendants must respond to Plaintiff's initial or amended motion to compel no later than **November 30**. Any reply to Defendants' response must be filed in accordance with Rule 7.1(f) of the local civil rules of this Court.

Furthermore, the Court concludes that Plaintiff's Motion to Quash and any amended motion filed in accordance with this order should be and are hereby **REFERRED** to United States Magistrate Judge Jeffrey L. Cureton for determination. See 28 U.S.C. § 636(b)(1)(A). All papers filed hereafter regarding this motion or any amendment thereto shall include the following notation under the case-number: "**(Relates to Motion Referred to Magistrate Judge Cureton)**".¹

SIGNED September 29, 2023.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

¹The judge's copy of all documents related to this motion should be mailed to the Honorable Jeffrey L. Cureton, Eldon B. Mahon United States Courthouse, 501 West 10th Street, Room 520, Fort Worth, Texas 76102.